

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GAGE LAWRENCE CARNEFIX,

Defendant.

CR 19–10–BU–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on August 16, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommended this Court accept Gage Lawrence Carnefix’s guilty plea after Carnefix appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to two counts of receipt of

child pornography in violation of 18 U.S.C. § 2252A(a)(2) as set forth in Counts 25 and 26 of the Indictment. Defendant further admits to the forfeiture allegation in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts 1-24 and 27 of the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 33), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Gage Lawrence Carnefix's motion to change plea (Doc. 25) is GRANTED and Gage Lawrence Carnefix is adjudged guilty as charged in Counts 25 and 26 of the Indictment.

DATED this 9th day of September, 2019.



Dana L. Christensen, Chief District Judge  
United States District Court